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Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

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May 6, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

CHIEF EXECUTIVE OFFICE: REQUEST TO CREATE THE CHILDREN'S SPECIAL INVESTIGATIONS UNIT ALL DISTRICTS AFFECTED (3 VOTES)

SUBJECT

Request approval for the creation of the Children's Special Investigations Unit (CSIU), as special counsel to the Board of Supervisors within the Chief Executive Office (CEO), to provide an independent legal review of child deaths and serious incidents of child abuse or neglect; authorize the CEO to negotiate and execute a Memorandum of Understanding between the CSIU and the Department of Children and Family Services (DCFS); and delegate authority to the CEO to recruit, interview and recommend CSIU personnel to your Board, and upon acceptance to execute the CSIU contracts.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve the CEO's recommendation (Attachment I) for the creation of the Children's Special Investigations Unit as special counsel to the Board to provide an independent legal review of child deaths and serious incidents of child abuse or neglect;
2. Authorize the CEO to negotiate and execute a Memorandum of Understanding (MOU), substantially similar to the attached (Attachment II) between the CSIU and DCFS; and
3. Delegate authority to the CEO to recruit, interview and recommend CSIU personnel to your Board, and upon acceptance to execute the CSIU contracts.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTIONS

The recommended actions are necessary to create the CSIU as special counsel to the Board of Supervisors within the CEO. The purpose of the CSIU is to provide an independent legal review of child deaths and serious incidents of child abuse or neglect. The CSIU will also provide, on an attorney-client basis, recommendations to improve the County's delivery of services to at-risk children and thereby improve the well-being of the children in contact with County departments.

While all child deaths and critical incidents will continue to be investigated by DCFS, not all cases will be investigated by the CSIU. Rather, any Board member, the CEO, or the Director of DCFS may refer a case for CSIU investigation when the case implicates: 1) major internal and external systemic issues; 2) a potential for significant litigation or media involvement; and/or 3) patterns of injury or death (gang related, co-sleeping death, Sudden Infant Death Syndrome (SIDS), etc). Additionally, emphasis will be placed on referring to CSIU those cases with multiple agency involvement (DCFS, Probation, Department of Mental Health, Department of Health Services, etc.).

Implementation of Strategic Plan Goals

The recommended actions are consistent with the principles of the Countywide Strategic Plan Goal 1, Service Excellence, Goal 4, Fiscal Responsibility, and Goal 5, Children and Families' Well-being.

FISCAL IMPACT/FINANCING

Funding in the amount of \$600,000 was approved by your Board in Fiscal Year (FY) 2007-08 and set aside in the Provisional Financing Uses (PFU) budget to finance the CSIU. These funds will be shifted to and included in the CEO's 2008-09 operating budget during the final changes budget phase.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The proposed CSIU shall review existing child fatality investigations and processes; prepare an account of fact/chronology/major milestones of the circumstances leading to a child's death or serious injury; identify strengths and weaknesses of the system and how the case was managed; identify systemic issues which may have prevented the death or serious injury of a child; review corrective action plans developed by DCFS; and on an attorney-client basis, make recommendations to reduce the County's exposure to suit in cases of death or serious injury to a child. In addition, the CSIU will develop quarterly recommendations for countywide policy and procedural changes

designed to reduce the likelihood of similar injuries, including lessons learned; develop mechanisms to ensure recommendations are implemented within timeframes specified; and attend the Inter-Agency Council on Child Abuse and Neglect (ICAN) child death reviews.

All recommendations and reports developed by the CSIU shall be prepared and submitted to the Board on an attorney-client basis and shall be based on an independent review and investigation into the processes and procedures that preceded the death of or critical incident involving a child. CSIU shall work collaboratively with DCFS and County Counsel, who will have the opportunity to comment and provide responses to any findings or recommendations to be included in reports prior to their release. In addition, CSIU will work with the CEO to coordinate the implementation of recommendations relative to other County departments and contract and community agencies.

Further, the CSIU shall maintain ongoing dialog and communication with DCFS and County Counsel during every phase of review to ensure preservation of the attorney-client relationship. In order to aid in communication and the flow/access of information, a MOU between the CSIU and DCFS will be executed to establish appropriate protocols and processes to strengthen the working relationship and collaboration during an investigation.

CONTRACTING PROCESS

The CSIU will serve as special counsel to the Board of Supervisors, operating within the CEO. Administratively, the CSIU will report directly to the CEO and the Deputy CEO, Children and Families' Well-being (CFW) Cluster and consist of the following contract staff: lead attorney, attorney, two investigators, and two support staff.

The CSIU attorney and investigative positions will be contract employees with extensive child welfare experience, and the support staff will be provided from DCFS. The hiring of contract personnel is important to eliminate the perception of DCFS being self-monitored and to maintain the integrity of their investigations. Initially, only the lead attorney, one investigator, and one support staff will be hired and as the caseload develops and operational needs are better known, the lead attorney will work with the CEO to determine the appropriateness of bringing on the second attorney and any additional staffing and operational requirements.

It is recommended that your Board delegate authority to the CEO to recruit, interview and recommend CSIU personnel to your Board, and upon acceptance to execute the CSIU contracts.

IMPACT ON CURRENT SERVICES

Approval of the recommended actions will continue the County's efforts to investigate child fatalities and incidents of child abuse or neglect. All recommendations and reports developed by the CSIU shall be prepared and submitted to the Board on an attorney-client basis and shall be based on an independent review and investigation into the processes and procedures that preceded the death of or critical incident involving a child.

CONCLUSION

Upon approval of these recommendations, the CEO will work with County Counsel, DCFS and the Department of Human Resources (DHR) to develop job specifications and begin the recruitment process. Once the list of qualified applicants is assembled, the CEO will present potential candidates to your Board for consideration.

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:SRH:MS
GP:BM:cvb

Attachments

c: Executive Office of the Board
 County Counsel
 Department of Children and Family Services

CHILDREN'S SPECIAL INVESTIGATIONS UNIT (CSIU)

PURPOSE

The purpose of the Children's Special Investigations Unit (CSIU), as special counsel to the Board of Supervisors (Board) within the Chief Executive Office (CEO), is to provide an independent legal review of child deaths and serious incidents of child abuse or neglect. The CSIU will also provide, on an attorney-client basis, recommendations to improve the County's delivery of services to at-risk children and thereby improve the well-being of the children in contact with County departments.

While all child deaths and critical incidents will continue to be investigated by the Department of Children and Family Services (DCFS), not all cases will be investigated by the CSIU. Rather, any Board member, the CEO, or the Director of DCFS may refer a case for CSIU investigation when the case implicates:

1. Major internal and external systemic issues;
2. A potential for significant litigation or media involvement; and/or
3. Patterns of injury or death (gang related, co-sleeping death, Sudden Infant Death Syndrome (SIDS), etc).

Additionally, emphasis should be placed on referring to CSIU those cases with multiple agency involvement (DCFS, Probation, Department of Mental Health, Department of Health Services, etc.).

SCOPE OF RESPONSIBILITY

The CSIU shall, but not be limited to:

1. Within 10-days of the receipt of case referral, submit to the Board, CEO, and County Counsel a Notice of Case Referral stating that the CSIU has received and is reviewing a particular case;
2. Review existing investigations and processes related to the case;
3. Prepare an account of fact/chronology/major milestones of the circumstances leading to death or serious injury;
4. Identify strengths and weaknesses of the system and how the case was managed (what worked/didn't work);
5. Identify systemic issues which may have prevented the death or serious injury of a child;
6. Review corrective action plans developed by DCFS related to the death or serious injury;
7. On an attorney-client basis, make recommendations to reduce the County's exposure to suit in cases of death or serious injury to a child.

8. Develop quarterly recommendations for countywide policy and procedural changes designed to reduce the likelihood of similar injuries or death, including "lessons learned";
9. Develop mechanisms to ensure recommendations are implemented within the timeframes specified by the CSIU;
10. Prepare 30, 60, 90 and 120 day/final reports regarding the CSIU investigation; and
11. Attend Inter-Agency Council on Child Abuse and Neglect (ICAN) child death reviews.

All recommendations and reports developed by the CSIU shall be prepared and submitted to the Board on an attorney-client basis and shall be based on an independent review and investigation into the processes and procedures that preceded the death of or critical incident involving a child. CSIU shall work collaboratively with the Director of DCFS and County Counsel, who will have the opportunity to comment and provide responses to any findings or recommendations to be included in reports prior to their release. In addition, CSIU will work with the CEO to coordinate the implementation of recommendations relative to other County departments and contract and community agencies.

Further, CSIU shall maintain ongoing dialog and communication with DCFS and County Counsel during every phase of review to ensure preservation of the attorney-client relationship. In order to aid in communication and the flow/access of information, a Memorandum of Understanding (MOU) between CSIU and DCFS will be executed to strengthen the working relationship and collaboration during an investigation.

OPERATIONAL STRUCTURE

The CSIU will serve as special counsel to the Board of Supervisors, operating within the CEO. Administratively, the CSIU will report directly to the CEO and the Deputy CEO, CFW cluster and consist of the following contract staff:

- Lead Attorney
- Attorney
- Two Investigators
- Two Support Staff

The CSIU attorney and investigative positions will be contract employees, and the support staff will be recruited from DCFS. The hiring of contract personnel is important to eliminate the perception of DCFS being self-monitored and to maintain the integrity of their investigations. Initially, only the lead attorney, one investigator, and one support staff will be hired and as the caseload develops and operational needs are better known, the lead attorney will work with the CEO to determine the appropriateness of

bringing on the second attorney and any additional staffing and operational requirements.

Lead Attorney

The lead attorney shall have a strong child welfare background, act as lead counsel for CSIU and oversee and direct the work of the second attorney, the investigation and support staff. The lead attorney will be responsible for developing findings and recommendations for changes in policies for County and non-County agencies as set forth above.

Attorney

Under the direction of the lead attorney, the second Attorney shall have a strong child welfare background, oversee and direct the work of the investigative and support staff in the investigation, review child death reports and critical incidents of child abuse or neglect and develop findings and recommendations for changes in policy for County and non-County agencies as appropriate.

CSIU Investigators

Under the direction of the CSIU attorneys, CSIU investigators shall have an extensive child welfare background and experience in investigating child abuse and neglect cases such as that of a law enforcement child abuse detective, children's social worker or investigator. They shall assist in the investigation of child deaths and critical incidents referred to the CSIU to determine the circumstances of an incident. Investigators will work with the CSIU attorneys to develop findings and recommendations.

Support Staff

Under the direction of the CSIU attorneys, support staff shall have a child welfare background, including but not limited to children's social work, and will assist the attorneys and Investigators in the review, analysis and preparation of required reports associated with every referral.

CONFIDENTIALITY

As special counsel to the Board of Supervisors, communications and reports prepared by the CSIU shall be protected by the attorney-client and/or attorney-work-product privileges. The Board shall maintain control of these privileges and the public release of any portion of any CSIU reports issued shall be contingent upon the specific approval of the Board after consideration of County Counsel's analysis of the impact such release may have on related litigation and the necessary legal procedures required to ensure compliance with confidentiality and other applicable laws. County Counsel shall

complete their analysis of the CSIU's final report and any other report designated for release by the Board within 10 business days from the receipt from CSIU.

BUDGET

Ongoing funding in the amount of \$600,000 has been set aside in the Provisional Financing Uses budget to finance the CSIU. Additionally, one-time funding in the amount of \$25,000 is required for miscellaneous fixed assets such as: computers, printers, office equipment, etc.

MEMORANDUM OF UNDERSTANDING

Between the CHILDREN'S SPECIAL INVESTIGATIONS UNIT and the DEPARTMENT OF CHILDREN AND FAMILY SERVICES

To formalize the collaborative requirements between the Children's Special Investigations Unit (CSIU) and the Department of Children and Family Services (DCFS), the following Memorandum of Understanding (MOU) outlines various operational and procedural protocols for CSIU and DCFS collaboration during the investigation of child fatalities and incidents of child abuse or neglect.

INITIAL INVESTIGATION CONFERENCE

- Within seven business days of a case being referred to CSIU, CSIU designee and DCFS Risk Management staff will hold a brief case screening and initial investigation conference (or teleconference) to:

Review the 24-hour fact sheet prepared by the DCFS Regional Office;

Jointly discuss whether to schedule a Child Death Review Team meeting (exception: should DCFS feel it necessary to schedule Child Death Review Team meeting prior to this initial screening conference, CSIU will be notified of the meeting and invited to attend); in some cases there may not be a referral to CSIU until after the DCFS investigation has begun, in such instances, CSIU will be included immediately;

Discuss potential investigation structure and elements (including, but not necessarily limited to, on-site review of case file in regional office, interviews with DCFS staff, CSIU participation in Child Death Review Team meeting, interviews with staff from other involved agencies and service providers), and clarify case specific Critical Incident/Child Fatality (CI/CF) and regional office staff roles and responsibilities; and

Schedule interim investigation progress conference(s).

INTERIM INVESTIGATION CONFERENCE

- When CSIU has initiated an administrative case investigation, an interim investigation progress conference (or teleconference) will take place as scheduled by CSIU and DCFS Risk Management no later than 45 days from the date of the *initial investigation conference*. The purpose of this interim progress conference is to:

Provide DCFS Risk Management with preliminary CSIU investigation findings as appropriate; and

Re-clarify investigation completion activities and expectations of all involved parties.

FINAL INVESTIGATION CONFERENCE

Final Investigation Conference, which shall take place upon conclusion of the CSIU investigation and shall include DCFS Regional Office Administration and the appropriate Deputy Director, and will:

Provide DCFS Risk Management with a draft report that includes CSIU investigation findings, recommendations for system improvement, and recommendations regarding employee performance management; and

Begin development of a formal corrective action plan (CAP) that will include a root cause analysis of any identified problems, a proposed set of corrective actions, specific implementation timeframes and accountable parties, and methods for evaluating effectiveness of the plan. The final draft of the child fatality/critical incident CAP to be signed by CSIU, DCFS Risk Management Division Chief, DCFS Director, and parties responsible for implementation.

ADDITIONAL PROTOCOLS FOR CONSIDERATION

Where deficiencies in case management and case practice are identified by CSIU and/or DCFS, an emphasis will be placed on performance improvement plans for employees; DCFS Regional Office Administrators will be held accountable for the development, implementation and effectiveness evaluation of the performance improvement plans.

DCFS Risk Management and CSIU will assist Regional Office Administrators in the development of the performance improvement plans.

Where case management and case practice deficiencies constitute egregious and/or repeated violations of Departmental policies and procedures, CSIU and Regional Office Administrators will work collaboratively to refer the matter to the Department's Human Resources Performance Management section. Where CSIU and Regional Office Administrators have verified and documented egregious and/or repeated violations of departmental policies and procedures, there will be no

Internal Affairs investigation as the facts will already have been established.

To ensure that lessons learned from specific case reviews are disseminated departmentwide, CSIU will prepare a quarterly report for the Board of Supervisors that identifies trends and contains analysis of lessons learned. CSIU will present this report on a quarterly basis at the Director's meetings with her senior managers.